



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,161	12/19/2001	Barry Jay Weber	PU010318	6253

7590 08/10/2005

JOSEPH S. TRIPOLI
THOMSON MULTIMEDIA LICENSING INC.
2 INDEPENDENCE WAY
P. O. BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,161

Applicant(s)

WEBER, BARRY JAY

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are presented for the examination. Claims 1, 4, 8-9, 11-12, 14 and 17-19 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5-7, 9, 11-12, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Moynihan (Pub. No. US 2002/0056119).
4. As per claims 1, 3 and 6, Moynihan teaches the invention as claimed including a method for sharing information in a network [Fig. 1, paragraph 15], comprising steps of enabling a user to define a data segment (S501), recording the defined data segment (S501) at one of a plurality of user systems connected to the network [steps 1 of Fig. 3, paragraphs 50, 57 and 67-73; i.e., recording the multimedia file at one of the user's computer system]; transmitting first information associated with the defined data

Art Unit: 2154

segment to a remote location (S506) [steps 2-4 of Fig. 3; paragraphs 16, 22; 48-49, 59 and 65-73]; and receiving from the remote location, at each of the plurality of user systems connected to the network, second information identifying the defined data segment (S507) [paragraphs 80 and 87-89].

5. As per claim 5, Moynihan teaches the step of enabling the user to modify the defined data segment [paragraphs 22, 50 and 57].

6. As per claim 7, Moynihan teaches the first information associated with the defined data segment is transmitted to the remote location in accordance with a predefined time schedule [i.e., schedule broadcast; paragraph 56].

7. As per claim 9 and 11-12, since they teach the same limitations as claims 1, 3 and 7 from different prospector [i.e., server side], they are rejected for the same basis as claims 1, 3 and 7 above.

8. As per claims 14, 16, and 18, since they are apparatus claims of claims 1, 3 and 7, they are rejected for the same basis as 1, 3 and 7 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2154

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 8, 13, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moynihan (Pub. No. US 2002/0056119) as applied to claims 1, 3, 5-7, 9, 11-12, 14, 16 and 18 above.

11. As per claims 4, 8, 13, 17 and 19, Moynihan teaches the invention substantially as claim in claim 1. Moynihan additionally teaches the second user send the response regarding the predefined data segment [paragraph 55]. Moynihan does not specifically teach the second information comprises a second starting point, a second ending point and is adjusted at the remote location to compensate for time delay differences within the network. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the second information with adjusted start and end point because doing so would increase the flexibility of the system by allowing users interacting regarding the predefined data segment over network. One of ordinary skill in the art would have been motivated to modify Moynihan's system to bring convenience to users.

12. Claims 2, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moynihan (Pub. No. US 2002/0056119) as applied to claims 1, 3, 5-7, 9, 11-12, 14, 16 and 18 above, in view of Beard (US 6,172,712).

13. Beard is a prior art reference filed by applicant on form 1449, dated to 3/25/02.
14. As per claims 2, 10 and 15, Moynihan teaches the invention substantially as claim 1. Moynihan does not specifically disclose the defined data segment comprises a portion of a television program. However, Beard on the other hand discloses the defined data segment comprises a portion of a television program [col. 1, line 52 – col. 2, line 11]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Moynihan and Beard because including Beard's TV program in Moynihan's system would improve the dynamic ability of the system by allowing users sharing either TV program or self recorded media data over network. One of ordinary skill in the art would have been motivated to modify Moynihan's system with Beard's TV program to improve the functionality of the system.

Conclusion

15. Applicant's arguments filed on 5/16/05 for claims 1-19 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that (1) Moynihan does not teach the step of recording the defined data segment at one of a plurality of user systems connected to the network [steps 1 of Fig. 3, paragraphs 50 and 57; i.e., more than one user connected with the network]; (2) Moynihan does not teach the step of receiving from the remote location, at each of the plurality of user systems connected to the network second information identifying the defined data segment; (3) Moynihan does

not teach the step of accessing the central server on the Internet and uploading the video file; (4) Moynihan does not teach the second information identifying the position of the defined data segment within a data stream comprises a second starting point and a second ending point; (5) Beard does not teach the limitations in claim 1.

16. Examiner respectfully traverses applicant's remarks:

A. As to point (1), applicant fails to consider the teaching of the Moynihan's reference for recording the defined data segment [i.e., video] at one of a plurality of user systems connected to the network [steps 1 of Fig. 3, paragraphs 50, 57 and 67-73], i.e., recording the multimedia file at one of the user's computer system. Thus, Moynihan does teach the limitation applicant argued.

B. As to point (2), applicant fails to consider the teaching of the Moynihan's reference for receiving from the remote location, at each of the plurality of user systems connected to the network, second information identifying the defined data segment [paragraphs 80, 87-89], i.e., the other user can select the multimedia file and receive it at their systems. Thus, Moynihan does teach the limitation in claim 1.

C. As to point (3), applicant fails to consider the teaching of the Moynihan's reference for accessing the central server [paragraph 80] and uploading the video file [steps 2-4 of Fig. 3; paragraphs 16, 22; 48-49, 59 and 65-73], on the contrast, there is no any language in the claim directs to accessing the central server and uploading video file. Thus, Moynihan does teach the limitation applicant argued, which is not disclosed in the claim.

D. As to point (4), applicant fails to consider the teaching of the Moynihan's reference for allowing the other viewer selecting the multimedia file [paragraphs 87]. Thus, Moynihan does teach the second information identifying the position of the defined data segment within a data stream comprises a second starting point and a second ending point.

E. As to point (5), Beard is a prior art reference used by Examiner for rejecting claims 2, 10 and 15 under 103(a). It is not a reference used for claim 1 rejection. Thus, applicant's argument is improper.

Accordingly, both Moynihan and Beard are still relevant prior art.

17. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2154

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

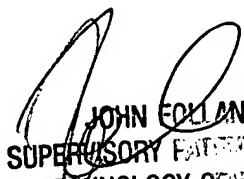
The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong hu

August 4, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100